

July 27, 2001

To: Members, Committee on Energy and Natural Resources
From: Jeff Bingaman, Chairman
Subject: Plans for Mark-Up of Energy Legislation

The Committee is scheduled to begin its mark-up of energy legislation on Wednesday, August 1, at 9:30 a.m. in room SD-366. The purpose of this memorandum is to describe my plans for conducting the mark-up in as fair and expeditious a manner as possible.

I believe that the Committee should mark up a single, comprehensive bill. In 1991, the Committee took 13 days to mark up what ultimately became the Energy Policy Act of 1992. While I do not expect that our mark-up will be of this length, it will clearly extend over several days, and will conclude in September. For some of the more difficult topics that must be addressed in order to have a credible final product (e.g., electricity), the availability of the August recess for discussion and exploration of areas of consensus is an advantage.

The general topics that I expect will be addressed in the mark-up, grouped roughly into larger topical areas, are listed in Attachment 1. This list provides a framework for consideration of all of the issues that, to my understanding, are within our jurisdiction and Committee members have expressed interest in. If I have omitted an issue of importance to you, the omission is inadvertent.

My plan is to focus each day of mark-up on a general topical area, or previously announced subset thereof. A Chairman or joint mark-up vehicle (depending on the degree of consensus in that area) would be distributed several days in advance that will be open to amendment. To maximize the ability to clear amendments that would command consensus support, I would encourage all Committee members interested in offering amendments to distribute them by noon of the day prior to the mark-up. I hope for everyone's cooperation in keeping amendments on a given day relevant to the topical area under consideration.

The sequence of consideration of general topical areas in the mark-up will be generally as shown on the attached sheet. If bipartisan progress is made in a particular area that can be ratified in the mark-up sooner rather than later, I may propose to consider that area next, after notification of the Committee.

I plan to generally oppose amendments that would result in direct spending. Our efforts to arrive at bipartisan compromise on many difficult issues should not be put at risk as a result of points of order under

the Budget Act.

Our mark-up will start, as Attachment 1 shows, with a consideration of provisions relating to research, development, and training. This is an area that does not appear to be full of controversy, and has the advantage of involving the consideration of topics involving both increasing our supplies of energy as well as increasing energy efficiency. I wish to complete at least this portion of the mark-up prior to the August recess. If needed, we have noticed a second day of mark-up for August 2.